

REMARKS

This preliminary amendment is being filed with an RCE after the Decision of June 21, 2004 from the Board of Patent Appeals and Interferences.

The rejection under 35 U.S.C. §101 (printed matter exception) has been overcome further to the above-identified Decision.

Claims 18-26 have been added. Claim 18, upon which Claims 19-26 depend, recites, inter alia, that “said primary figurative element when viewed from a predetermined oblique direction between a viewer and the print gives the appearance to the viewer of said first dimension and said second dimension forming an image plane which extends perpendicularly outwardly from the planar print carrier”. It is respectfully submitted that the Sanity font gives no appearance of an image plane “which extends perpendicularly outwardly from the planar print carrier”. Rather, the Sanity font merely drawn in a routine perspective which has essentially the same effect at all viewing angles. It is therefore respectfully submitted that these claims are patentable over the Sanity font, alone or in combination with any other prior art.

Similarly, it is likewise respectfully submitted that Claims 9-17 are patentable in that Claim 9, upon which Claims 1-17 depend, recites that “which plane of advertisement is directed obliquely outwards of the plane of the print carrier” and that the “secondary figurative element when seen in the given oblique direction between the viewer and the print shows the third dimension as directed perpendicular to the plane of advertisement”. Again, the Sanity font is drawn in a routine perspective with nothing appearing to be directed “obliquely outwards of the plane of the print carrier” and nothing which can be construed as a “secondary figurative element” which “shows the third dimension as directed perpendicular to the plane of

advertisement” (emphasis added). As an analogy, an artistic drawing of a street scene may be drawn in perspective to suggest a third dimension. However, nothing in such an artistic drawing will appear to be directed “obliquely outwards” of the drawing or have a secondary figurative element which shows the third dimension as directed perpendicularly to the plane of anything directed obliquely outwards of the drawing. Similarly, the Sanity font is drawn in routine perspective, but has no appearance of anything extending “obliquely outwards” from the planar surface and therefore nothing having the appearance of being perpendicular to anything extending “obliquely outwards” of the planar surface. It is therefore respectfully submitted that these claims are patentable over the Sanity font alone or in combination with other prior art.

Early examination and allowance are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Gerald Levy', with a stylized, flowing script.

Gerald Levy
Registration No. 24,419

Ronald E. Brown
Registration No. 32,200

Pitney Hardin LLP
7 Times Square
New York, New York 10036-7311
212-297-5800